

**NATIONS UNIES
HAUT COMMISSARIAT DES NATIONS UNIES
AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME**

Mandate of the Special Rapporteur on the rights of indigenous peoples

**UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL**

REFERENCE: UA Indigenous (2001-8)
BRA 7/2011

30 November 2011

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the rights of indigenous peoples pursuant to General Assembly resolution 60/251 and to Human Rights Council resolution 15/14.

In this connection, I am writing to call your urgent attention to information received concerning the alleged killing on 19 November 2011 of **Nísio Gomes**, a Guaraní man, in the state of Mato Grosso do Sul.

According to the information received,

Nísio Gomes was the leader of a group of some 60 Guaraní indigenous people of the Guaviry community, who in early November 2011 had returned to part of their ancestral land in the state of Mato Grosso do Sul, after having lost that land to non-indigenous industrial farmers.

On 16 November 2011, a group of armed men surrounded the bus in which several members of the Guaviry community were travelling. The gunmen reportedly held the bus for several hours, destroying the bus's breaks and thus preventing it from moving. During this time, the gunmen called out a list of about 35 names of Guaraní leaders and examined the faces of the people on the bus to see if they matched the names on the list. Nísio Gomez was reportedly one of the men on the list. The bus driver was dragged off the bus and the gunmen told him that he would be burned alive if he ever tried to transport Guaraní people again. It is suspected that these gunmen were hired by local farmers.

Reportedly, on 19 November 2011, some 40 masked gunmen entered the Guaviry community and surrounded Mr. Nísio Gomes, ordering those present to lie on the ground. Mr. Gomes was shot in the head, chest, arms and legs. His body was then taken from the area by the gunman. Mr. Gomes's son was allegedly beaten and shot with rubber bullets when he tried to intervene. Members of the community

fled in fear and it is reported that three children are now missing, though it is not clear whether they were taken by the gunmen or were lost in the chaos.

As you are aware, in my report on the situation of the human rights of indigenous peoples in Brazil, I made some preliminary observations on the situation of Guaraní people in Mato Grosso do Sul (Ref: A/HRC/12/34/Add.2, paras. 32, 47-54). In particular, I observed with concern the ongoing violence in the region and noted the severe impact that the aggressive past policies of the Government of parcelling large tracts of traditional lands to non-indigenous farmers had had on Guaraní communities. The present case appears to be emblematic of the continued concerns that remain about this region.

As I continue to monitor the circumstances surrounding this situation, I would be grateful if your Excellency's Government could provide any additional information that it deems relevant. I take note of the information received that federal police and representatives of FUNAI have travelled to the region to investigate the killing. I would be very interested in hearing about the results of these investigations and about continued efforts to resolve the underlying concerns regarding land tenure in the region.

Given the urgency of this situation, I would appreciate a response within 30 days. I undertake to ensure that your Excellency's Government's response is accurately reflected in the report I will submit to the Human Rights Council for its consideration or in any other public statements I may make in relation to this situation.

Please accept, Excellency, the assurances of my highest consideration.

James Anaya
Special Rapporteur on the rights of indigenous peoples